

**District V Advisory Board
Minutes
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**June 2, 2003
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse
443 S. 135th West**

Six (6) District Advisory Board Members including five (5) regular members and one (1) youth member attended the District V Advisory Board meeting. Eight (8) City Staff were present and approximately 45 members of the public of which 35 signed the signup sheet.

Members Present

Bob Bulman
David Dennis
Maurice Ediger
Amy Garcia
Brendan Groves
Andy Johnson
Council Member Bob Martz

Staff Present

Officer Michelle Schell, Police
Officer Beck, Police
Lt. Jeff Wieble, Police
Jack Brown, Environmental Health
Bill Longnecker, Planning
Scott Knebel, Planning
Rob Younkin, Public Works
Dana Brown, City Manager's Office

Members Absent

Dave Almes
Sean Cash
Amy Doan
Fran Hoggatt
Teresa Schmidt
Bob Sorensen

Guests

Listed on last page

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:10 by Council Member Bob Martz who welcomed the public and explained the role of the District Advisory Board as advisory to the Council Member as the elected representative for City Council District V. He explained that he does not have a vote in actions taken by the Board as the decisions & discussions were considered when he votes during the City Council meetings. He asked guests to speak only when acknowledged, speak once regarding an issue, and to state their name and address before speaking as well as to respect others who speak by not interrupting or responding to their comments. He also said that he expected the same manners and meeting decorum as that expected at the City Council meetings where applause and outbursts are not tolerated.

Approval of Minutes and Agenda

The minutes for May 5, 2003 were approved as written by a unanimous vote. The agenda for the meeting was approved.

Public Agenda

Scheduled items

Alcohol Tobacco & Firearms (ATF) Federal Agent Tom Attebury presented information about an extensive project to educate citizens about carrying a gun unlawfully. He first explained that his responsibilities with the ATF Bureau, administered by the United States Department of Justice, were carried out in not only Sedgwick County, but also 66 other counties. He stated that he worked with state and local law enforcement with firearm & other fire-related crimes, such as explosives. Attebury then presented information about the Project Safe Neighborhoods—Cease Fire, saying that the public may have noticed the billboards in both Spanish & English saying “One will get you five,” as the educational component of the campaign to inform people that being charged with carrying an unlawful firearm is punishable by a five-year prison sentence. He said that the sentence is primarily set up to apply to people who have served time in prison and released as they are prohibited from having a gun. Attebury said the federal charges are more restrictive than Kansas. He cited several larger cities such as Washington, D.C. and Boston, MA where the campaign had been effective.

Off-Agenda Items

Romi Guilter, 6001 W. Linder (Second Garden Addition), presented the issue of vehicles that turn on Boyd/ Linder to avoid the traffic congestion at I-235 and Central between 3:00-6:00 p.m. but have caused damage to the properties in the area. Traffic Engineering will be asked to examine the situation.

Public Works Agenda

Unfinished Business

1. Sanitary Sewer along Socora Street, north of Maple

Sanitary Sewer along Socora Street, North of Maple

Rob Younkin, Public Works, presented a project needing a budget increase from when previously approved by City Council on October 1, 2002. City Council approved a project on October 1, 2002 to construct a sanitary sewer along Socora, north of Maple, comprised of single-family homes on private septic tank systems. This project seeks to add an extension of the sewer line due to reports of maintenance problems. As a result, the project will increase the previously approved budget. Although the project was previously presented at DAB V on May 5th, the Council Member has requested additional information be presented.

Younkin said the budget had been increased to \$67,000 but Socora is a narrow Street and he would advise the budget be increased to \$130,000 to widen the street. This would allow the construction to take place behind the old tress without taking out old pavement and existing trees. Younkin said the road is asphalt and stable but an 8-foot deep sewer line will eventually be impacted due to traffic and maintenance. The additional funding would allow extension of the alignment and easement.

Three options were presented with the third option being the most expensive due to potential damage to the street. The option would include a contingency for replacing the entire street, if needed. Utilities in the right of way (ROW) need to be considered with phone lines east of the road and power lines west of the road. Younkin said that the City prefers this option because it will allow for most of the trees to be saved and be least disrupting for the neighborhood.

The discussion was opened to the public. **Lloyd Robinson, 103 S. Socora**, provided some background to the initiation of this project by explaining that he had applied for a new septic tank but the City wouldn't issue due to the situation of an existing sewer line within 150 feet of the property. He was told that this is City policy. However, the order to extend the sewer for the other residents is the controversy because most of the other neighbors do not want city sewer. They prefer to remain on

septic systems. **Betty Roark, 440 E. Howe**, spoke in her position as the Sewer Clerk, saying that sewer is frequently “patched in” for residents rather than requiring all residents on a street to use. She said that Health Department doesn’t always require everyone on septic systems to change to sewer. **Ernie Nelson, 201 S. Socora**, said that Robinson just wanted to repair his system, not change to sewer. **Younkin** said the City/Health Department does not allow repair of a septic system. Therefore, he said the only choice for Robinson was to change to sewer. If the residents change to sewer on a piece-meal basis, it is more expensive for them. In addition, he said that if only Robinson changes to sewer, he would have to connect to a manhole that means removing trees. **Ernest Newell, 148 S. Socora**, said the move to sewer should be made on an individual basis because most residents along this portion of Socora do not need or want sewer. **Council Member Martz** asked Younkin for the cost comparison for Robinson if he alone was connected to sewer rather than all of the residents. **Younkin** said it would need to be figured by the staff person who calculates special assessments.

Elliott, 122 N. Socora, said he understood that a manhole was just three foot from Robinson’s property but the City would not allow hookup to it. **Younkin** said that the manhole to be used is a fairness issues and is determined through a process of minimizing the number of people served by a manhole and decreasing the length of line. **Robinson** said that he recognized the intent but had understood that the plan was to place a manhole between every other house. **Newell** said that he questioned the report last September that the Health Department found raw sewage on the ground. **Younkin** read several excerpts from the September report and noted that several septic systems had been “grand fathered” in when the area was annexed but that at least one does not meet City code. He said the City was asking for easement, not right of way, so the property would still belong to the property owner but building on that portion would not be allowed. Nelson asked if the sewer line would have any effect on building new water wells such as leaking into the well. **Younkin** said the well would have to be 10 feet from the sewer line and that leakage would not be likely. **Sharon Bullard, 111 N. Socora**, asked about ownership of the trees in the easement to which **Younkin** said the trees would still belong to the property owner but that Westar, the utility company, could deal with as needed for maintaining power. **Elliott** asked about the term, “gray water” used in the health report and asked how that compared to sewage. **Younkin** clarified that gray water could be water from baths or showers, laundry, etc.

Robinson asked Council Member Martz if the suggestion made for sewer line to be ordered could apply to only his property, not all? **Younkin** noted that two manholes would still be needed for the turns in the line. **Ediger** warned that the same situation would arise in the future. **Council Member Martz** said that it was fair to say that when others need this service, the cost would likely be more. **Younkin** agreed and said the cost would increase for both the service line to the property and the main line. **Robinson** said he would just like the line to be laid parallel to the road and not across the property. **Bulman** asked about acreage and **Robinson** said the lots were all unusually large. **Younkin** said most were unplatted tracts that had never been platted into the subdivision due to annexation. **Bulman** asked if they could be subdivided to which **Younkin** said they could. **Dennis** said that he understood not tearing up the trees but that the residents live in the city now and the intent is for all properties to change to city practices including paved roads and sewer. He reminded them that last fall the DAB voted to support an order-in for this area; he asked for a show of hands for preference. The majority voted against changing to sewer.

David Monroe, 131 N. Socora, asked if the assessment estimates were a firm bid to which **Council Member Martz** said they are usually a high-end estimate because the City can’t take bids until the City Council orders a project. He asked for a vote on whether to use right of way or street for the sewer line; the ROW was supported by a unanimous vote.

Dennis (Bulman) moved that the DAB recommend that City Council authorize the construction of the sewer line in the right of way; motion passed 5-0.

Action: Board recommended support by a vote of 5-0 for City Council to authorize construction of sanitary sewer main line in the right of way.

Planning Agenda

ZON2003-00026 (Associated with CON2003-00016)

Bill Longnecker, Planning, presented the request information in place of Scott Knebel who had not yet arrived from presenting at District VI Advisory Board. The request for a Conditional Use was received from Via Christi Riverside Medical Center, Inc., and City of Wichita including an amendment for Protective Overlay #1 and Protective Overlay #11. The change would permit Boeing Credit Union to be located at a drive through bank on the property north of Maple and west of 135th St. West to permit general office uses instead of strictly medical services uses on property zoned “GO” General Office.

Longnecker explained that the request was made to remove the restriction for medical uses only and allow a bank with a drive-through window. The western portion of the undeveloped lot will be limited in future development for only a drive-through bank, office uses, and medical uses. The request conforms to the Land Use Guide of the Comprehensive Plan and the Far West Side Commercial Development Policy.

Phil Meyer, Agent for the applicant, provided further explanation of the request and noted that only the drive-through bank is planned for now—no plans are being considered for the western portion of the lot.

DAB Members asked how the plan shown for access would comply with the Access Management Plan. They discussed the need for good traffic management with internal circulation for the lot as well as alignment of egress/ingress to the curb cuts across 135th Street to the east where plans are being made to construct a Dillon’s Store. It was noted that the location of a utilities box affected placement of some access point but a raised median may help. Additional discussion included considering the impact of a possible expansion of 135th Street in the future.

The **President of the Boeing Credit Union** said the safety for pedestrian traffic was a priority with the increased access and supported measures for their protection. No other members of the audience addressed the issue.

Action: The District V Advisory Board recommended approval with a vote of 4:1 (Bulman) in agreement with staff recommendations.

CUP 2003-00024 – Dugan Center

Scott Knebel, Planning, presented a request to create the Dugan Center Community Unit Plan, generally located at Taft & Dugan to the north of an existing strip mall. The request included an amendment to Parcel 3A to increase maximum building coverage, gross floor area, maximum number of buildings, and to reduce setback on Taft from 100 feet to 35 feet and change permitted uses.

Knebel presented the request information including a history of the property development dating back to 1986. Past amendments had been designed to reduce impact to the residential area, Westerlea Addition, located just north of the subject property, and included a landscape buffer and screening wall never achieved as well as a 100-foot setback. The subject parcel (#3) remains undeveloped while the areas to the south, west, and east have become a busy commercial area. The request would eliminate the 100-foot setback required for a CUP. Staff recommended that two access points be positioned to minimize the impact of headlights & traffic at the intersections on Taft from the Westerlea Addition. Staff also recommended the CUP permitted uses be scaled back to more appropriate uses given the close proximity to the residential area. However, in a previous review by MAPC on 5/22/03, the Planning Commission approved certain uses be allowed including car wash, nurseries & garden center, secondhand store, and limited & general manufacturing. MAPC also removed the recommendation for uniform architectural requirements recommended by staff, as well as the recommendation that the Planning Director approve language for the CUP. The request conforms to the adopted or recognized Comprehensive Plan, and identifies the area as appropriate for commercial development.

Tim Austin, agent for the applicant, responded to concerns about how lighting would be shielded and how the 20' landscaping or wall would not allow a view of the businesses but screening for any truck docks would be provided. He defended the action of MAPC, saying retail was not a good choice for the location and explained what manufacturing might include, that carwash could be eliminated, that language could be included to screen outdoor displays for uses such as monument sales and nurseries. In addition, he said the language could be "tightened" for metal buildings to include a certain amount of façade and that the MAPC believed the language approval for CUP should be included in code enforcement rather than determined by the Planning Director.

DAB Members expressed concerns for the neighborhood to the north in regard to the setback & close proximity of the proposed commercial development, especially the allowed uses. Issues were discussed regarding how the neighborhood could be shielded from the impact of light, traffic, trash, & noise associated with being adjacent to a commercial area.

Many **residents** spoke about many of the same issues of noise, traffic, trash, view, and commercial lighting. They proposed meeting with the applicant to discuss building a wall on the north side of Taft as a barrier for their neighborhood. Austin said that the applicant would meet with the neighbors but he did not believe the applicants would agree to build a wall due to the cost.

Garcia (Bulman) moved to recommend support of the use of only the original CUP allowed uses. Motion passed by a 3:2 vote.

Action: The District V Advisory Board recommended approval with a vote of 3:2 subject to the eight (8) conditions recommended in the staff report.

(Garcia left the meeting.)

PUD2003-00003 #17 - VIP Realty Addition Planned United Development

Bill Longnecker, Planning, read the staff planning report for this request to develop an 18-acre

property with general office, residential (density 4,000 sq-ft per unit) and community assembly/indoor recreation at the southwest corner of Maple and Maize Road intersection. He noted that a Planned Unit Development is a zoning district within itself but it allows some flexibility in its uses and architecture.

Bulman asked about Condition #15 referring to access onto McCormick/Hidden Valley Road as restricted to which **Longnecker** said it would be restricted to residential traffic only. **Dennis** asked about platting to which **Longnecker** said platting was being reviewed but no design concepts had been received yet by the Planning Department. **Dennis** asked if the drainage plan would be part of the platting process but **Longnecker** pointed out Condition #12 saying that a drainage plan would be submitted to the City Engineer for approval prior to issuing any building permits. **Bulman** said he had similar concerns, especially when considering the wording on page five of the planning report, “the area is subject to flooding during moderate to heavy rainfalls” as being an existing problem. He said that DAB V Members had seen this wording before and then heard from residents who have had drainage issues resulting from construction on the subject property. **Bulman** said that one situation exists for a resident who has drainage issues and his only recourse is to file a civil lawsuit. **Bulman** said that drainage should be thoroughly considered before granting permits for land use and construction. **Dennis** agreed, saying this makes it very difficult for the DAB to make recommendations.

Don Folger, agent for the applicant, said he had talked to Vicky Huang in Engineering about drainage and she said that the City would require a retention pond or other appropriate means of handling increases in drainage from construction. He noted that the measures would require a significant portion of the land. **Johnson** said that it was still a question of who has final authority for the impact on drainage to which **Longnecker** said that Storm Water Engineering does. **Johnson** replied that Storm Water has said that the Office of Central Inspection has final authority. **Randy Holloway, 424 S. Stoney Point**, introduced himself as the **President of the Cambridge/Lexington Homeowners Association** and stated that a good portion of this area was flooded in the 1998 “Halloween” flood, making residents south of the subject property very anxious. **Council Member Martz** agreed with the concern, saying stronger wording is needed in the recommendation and asking **Longnecker** how to do this. **Longnecker** said that Vicky Huang, Engineering; Chris Carrier, Storm Water; and the Office of Central Inspection needed to address collectively. **Council Member Martz** then said that the Council would not vote on this request until DAB V recommends action and he believed that the DAB members were expressing reluctance to do that at this point.

Council Member Martz then opened the discussion to the public. Several area residents asked questions or expressed concerns:

- **Pam Kotter, 502 Hidden Valley** – Concerns regarding flooding, traffic, & the integrity of the treeline. Felt that PUD designation was too flexible.
- **Larry Paul, 1011 Hidden Valley Road** – Likes the county atmosphere and treeline and does not want this changed.
- **DeAnn Sullivan, 10609 Hidden Valley** – Expressed appreciation for the communication from all city staff & Council Member Martz. Concerns for increased traffic onto the arterial and the lack of visibility caused by the treeline as well as the drainage/flooding issue since her family lives “downstream.” Stated that the PUD request has seemingly “evolved” without a true plan for the feasible use of the land.
- **Randy Holloway, 424 Stoney Point** – Concern for impact on berm built in their area to help control flooding; how would development impact.
- **Jim Sullivan, 10609 Hidden Valley** – Asked if Condition #15 could be eliminated as he was concerned about access for Hidden Valley Road.

Bulman asked how the traffic numbers were estimated to which **Longnecker** explained that a formula is used on an average number of daily trips for each household. **Matt Lillie, Applicant**, said he didn’t want traffic to access Hidden Valley Road but Traffic Engineering recommended this to allow for emergency access. **Lillie** also said that the drainage could be impacted by a resident just

moving dirt in their own yard but **Council Member Martz** pointed out that the City has an ordinance known as Backyard Drainage that restricts construction from impeding or diverting drainage onto another property.

Bulman (Ediger) moved to defer recommendation for the request and asked staff to obtain information on impacts of approval of the PUD including impacts on: 1) traffic for exits & entrances and for emergency access, and 2) construction on flooding/drainage. Motion passed 4:0. **Council Member Martz** explained that Metropolitan Area Planning Commission will take action on Thursday and urged any public who wanted to be on record to attend the meeting. If the item comes to Council, he said that he would recommend deferral.

Action: Board voted 4:0 to defer recommendation until the next meeting to allow time for staff to obtain additional information.

Staff Presentations

Water Well Code Amendments

Jack Brown, Environmental Health, presented a proposal for amending the city code for water wells, requiring a permit to construct a water well. Health would work with the Office of Central Inspection prior to a resident commencing with construction. The permit would be necessary for any type of well. In addition, the City has adopted the state water well regulations.

Johnson (Bulman) moved to support the recommended action and vote passed 4:0.

Dennis asked when inspections are conducted for residents, understanding that testing is restricted to Tuesdays only. **Brown** said that inspections are scheduled Monday – Thursday but not on Friday due to the time involved in the laboratory procedure and reading test results.

Action: Recommended support of the proposed amendments to the City Code for permitting construction of water wells.

Community Police Report

Community Police Officers for District V were called from the meeting but provided information to staff to report a continued increase for larcenies due to people having their homes and garages more accessible in the warmer weather and for youth-involved drag racing and alcohol use. Police also reported that the 4 days/10 hour schedule for Police with the West Patrol Station is working well.

Action: Receive and file.

Special Event Sites

City Manager's Office staff presented information regarding approved sites throughout the city in which special events including high noise volume could be held to reduce disturbance to residential areas. Questions were asked about how the noise would be controlled in these areas, especially in Buffalo Park to which staff said the amplification would be situated to minimize the sound. Some discussion occurred regarding announcing for football games at Northwest High School.

Action: Recommended support of the proposed designation of sites for events in residential areas with amplified music.

The next meeting for District Advisory Board V is scheduled on August 2, 2003 at Auburn Hills Clubhouse at 7:00 p.m. The meeting was adjourned at approximately 12:00 p.m.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V